PUBLIC HEARING
August 15, 1988

A joint public hearing was held by the Elkton Town Council and the Elkton Planning Commission August 15, 1988 at 7:30 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: R. E. Davis, B. B. Holt, R. B. Hutton, H. W. Leap, L. C. Life and R. L. Snow. Norma Leap, Clerk, Gerald Monger, Superintendent and Wayne Weaver, Police Lieutenant were also present.

Mayor Dean asked if anyone wished to speak regarding amending the Zoning Ordinance by deleting Paragraphs 2 and 3 of Section 4 - A1 Residence Uses. This action would prohibit having a duplex or triplex in an A1 Residence Area.

Those speaking in favor of deleting the sections were: Audrey Berry, Margaret Broome, Jack Davis, Marla Nemoytin and Virginia Gooden.

Mrs. James Powell questioned how this would affect those residences which have apartments already. Mayor Dean stated they would not be affected and could continue as they had in the past.

Mr. James Powell questioned if he sold his property could the new owners still have the apartments and Mayor Dean stated the new owner could also continue the apartments.

Mrs. Margaret Broome pointed out that she is in an A2 Residence Area and would not like to see any more apartments in her area.

Mr. Vernon Shifflett stated he was opposed to changing A1 Residence areas. He does not see where any variance should be changed on Rockingham Street. He pointed out that traffic is very bad on this street and truck traffic is even worse. There used to be a "No Thru Trucks" sign on Rockingham Street but it has been removed. Mr. Shifflett feels that trucks should be rerouted and not be allowed on Rockingham Street.

Mrs. Lillian Brill also mentioned how bad the traffic is on Rockingham Street.

Those speaking against changing the Zoning Ordinance were Benny King, Herbert Baugher and Louis Johnson. Mr. King felt that zoning laws shouldn't be changed everytime someone doesn't like them and as the new zoning ordinances will be going into effect in less than a year council should continue with the old ordinances until that time. Mr. Baugher questioned if the "grandfather clause" on those already having apartments goes on forever and Mayor Dean stated it does. Mr. Baugher felt that since there are some very nice apartments in A1 already, people should not be deprived of using their land as they wish. This would be discriminating against them.

Mayor Dean asked if anyone wanted to speak against the application for a special use permit to operate a bed and breakfast facility at 403 East Rockingham Street. The owners would be Neil and Elsie Cox, this would be their home and the business would be named Spotswood Inn.

Mrs. Lillian Brill asked if she could get a permit for a bed and breakfast if she wanted to for her daughter. Mayor Dean stated each application for a permit would have a public hearing and given the same consideration.

Marla Nemoytin stated she did not want to speak against the permit but wanted to know if the special use permit goes with the person that is operating the business or does it go with the property. It was explained to Mrs. Nemoytin that it would go with the property but the same restrictions would continue to apply.

Mr. Holt reviewed some of the restrictions and answered questions regarding the restrictions.

Councilwoman Life pointed out that the person operating the bed and breakfast has to be the owner and in residence there. The only meals provided are to those being accommodated for the night.

Mr. Jim Martin stated he was not necessarily speaking against the permit but would like some clarification. He feels most of the property owners he has talked to are very concerned that these steps of issuing special permits do not start a crack in the wall, where the zoning as it is now, does not begin to turn into commercial. He stated he needs to know the nature of what is planned in order to have some confidence in what is going to take place. Bed and breakfast sounds great to him, could even add to the neighborhood, yet the idea of this kind of encroachment slowly takes place and all at once you are looking at a major change in your neighborhood. This is alarming to the citizens.

Mr. Holt pointed out that we have allowed lodging and boarding houses in these particular areas and no one seemed to get excited about these and yet they may well have been of a lower caliber than what the new restrictions are going to demand from a bed and breakfast. He feels when the new zoning ordinances come out those concerned are going to be pretty well reassured because it is a pretty tough publication.

Those speaking in favor of bed and breakfasts were Herbert Baugher, Benny King, Beverly Wolfe and Bobby Whitfield.

Mr. Norris Shifflett stated he is opposed to the bed and breakfast as maybe we could be starting something. There are other big homes in this same area that would be suitable for bed and breakfast facilities and how can you refuse them permits when you have already granted someone else one in the same area.

Mrs. Marla Nemoytin stated again that she was not opposed to a bed and breakfast but wanted to be assured that it is not going to go into other things.

Mrs. Lillian Brill asked how could fears be allayed when you look at Lucas Lane. Those apartments were cut and dried before the people living in that area even dreamed of such a thing happening.

Mr. Fred Davis stated he did not object to the bed and breakfast that much but is concerned about opening the gate to other things. The apartments on the end of Rockingham Street have opened up a rat race on that road. It is now like a race track. No one in this town listened to the people that live on that street about anything. The police department might be seen up in that area about every two or three days.

Mr. Alan Thompson questioned about room and board and where it is allowed. Mr. Monger stated it is allowed in A1 Residence District, which is your most restrictive at present, so that means it would be allowed in all areas.

Mayor Dean asked if anyone wanted to speak against the application for a special use permit to operate a sporting goods business at 411 Jackson Avenue. The application was presented by Mr. Fred Bennett.

Mr. Bobby Whitfield asked for an explanation as to what the scope of the shop is going to be.

Mr. Monger stated it is his understanding that it is for a catalog gun sales. There would be no stock except for the guns ordered and have been received but not picked up. There

might be some slings and scopes but no ammunition stocked.

Councilman Davis stated that he has spoken with Mr. Bennett and ammunition will be ordered just as the guns are and will be there until picked up by the person placing the order.

Mr. Bennett stated there will not be any more traffic than what he has had in the past for his photography business. There will be no large display such as you would find in businesses which carry things in stock. This will be catalog orders only and nothing will be stocked except a few scopes and slings. He has received all the necessary licenses, with the exception of the town business license. (Sales Tax No., Federal Firearms License from the BATF, etc.)

Mr. Jeff Nemoytin questioned if this will consist of hand gun sales and will there be any mail order applications from out of state. If so, will there be any checking on the person applying. Mr. Bennett explained that people will have to fill out the proper applications and meet the requirements necessary to purchase a gun and Mr. Bennett will have to also abide by the required rules and requirements in order to sale a gun.

Mr. Noah Helsley of 313 Jackson Avenue spoke in opposition of the special use permit to operate a sporting goods business on Jackson Avenue.

Mr. Herbert Baugher questioned how this area was zoned. Mr. Monger stated it is zoned A2. Mr. Baugher stated he couldn't understand everyone getting so excited about a bed and breakfast but not too excited over this.

Councilman Holt pointed out that council recently passed a new Home Occupation Ordinance and made it fairly restrictive. Council may also put special restrictions on this sort of permit.

Mr. Jim Martin stated he is neutral but asked how council can assure the public that although the restrictions seem good now that they won't change in five years.

Councilman Holt explained that home occupations have always been permitted under the existing ordinances but what council is doing is making it tougher and tighter.

Mr. James Failes spoke in opposition to this request as it might leave the door open for other people to get other types of permits.

Mr. Howard Broome spoke in favor of granting Mr. Bennett a permit to operate his business.

Mr. Jeff Nemoytin questioned if a time limit could be placed on the permit so he would have to come back in three or five years to renew the permit.

Councilwoman Life stated that these permits go along with the property. She pointed out that she does not like this and questioned if council could make a stipulation that these special use permits cannot go along with the property. Councilwoman Life was told council could not do this.

Mrs. Mary Ware Greene asked when all this changed. In the past there wasn't all these restrictions. People had boarding and tourist homes and when they sold the homes the business went out. Mayor Dean pointed out that if no other person wanted to buy it that was the only reason it went out. A person could have bought it and used it as a boarding or tourist home.

As there was no further comments, the public hearing adjourned.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk